

# Quid Novi

McGill University, Faculty of Law  
Volume 24, no. 11 - January 20, 2004

**How many 4th year students did YOU  
spot at last Thursday's sponsored  
coffee house?**





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### QUID NOVI

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## Editor's Note...

Preoccupied with the record-breaking attendance at last December's Midnight Mass as well as with the ever-increasing flood of candidates for priesthood (as many as 19 of them are currently enrolled at the Grand Séminaire of Montréal), Catholic Church Cardinal Jean-Claude-Turcotte presented extraordinary measures last week to deal with the sudden resurgence of popular interest towards his institution.

Maintaining that the current explosion of demand for all services were negatively impacting the quality of education provided at the Séminaire and the services provided by Churches, Turcotte defended his new policies as the only way to assure that its followers would receive the best in spiritual guidance.

Some of the most audacious policies include screening everyone who will enter a Church using similar technology as that seen in airports around Asia and Canada during last Spring's SARS scare. Temperature checks will be mandatory. Turcotte defended this policy as one that aimed to discourage tourists who visit Montréal Churches merely for architectural sightseeing and the homeless who enter Churches to warm up during cold winter days. Officials promise these measures will improve believers' access to the best seats in Church and carry the corollary benefit of keeping health hazards at a low during the traditional Sunday Mass peace exchange.

As for the Séminaire, stringent health tests will be imposed on all who want to enroll. Officials say they were given no choice as demand is so high in Montréal and candidates present such exceptional applications that this seemed to be the most objective way of distinguishing future spiritual leaders from common mortals. As a result, a full medical screening including HIV testing will be imposed on new applicants.

These measures will allow the Church to maintain high standards of education while facing the ever-growing demand from Montrealers. Statistics Vatican calculates the only way to finance these new dispositions will be to double the number of ►



# Speak White Revisited

by Prof William Tetley (McGill Law Faculty)

The "speak white" debate, first raised by Michael Rowland in the Quid and energized by articles by Marc-André Séguin, Antonio Iacovelli, Emily K. Moreau, Karine Péloffy, Michael Brazao, Frédéric Delisle, and again Marc-André Séguin, and then this term Antonio Iacovelli and Tara McPhail reminds me of the Irishman, who seeing a fight in a pub, asks if it is a private fight or may anyone join in. Herewith, is my contribution.

History is said to be best when it is conducted as a discussion between gentlemen and although the articles in the Quid are occasionally a little shrill, they have not resulted in fisticuffs. Congratulations, therefore to the Quid for providing a forum for the French/English/Canada/Québec debate, which is so important to our nation (or our nations depending upon your point of view).

Most famous Canadians have had something to say on English/French relations, not the least being Pierre Elliott Trudeau, who wrote in the Spring of 1965 in P.E. Trudeau "Le Fédéralisme" Les Éditions HMH 1967:

« Que la majorité Anglophone se soit comportée historiquement comme si les Canadiens français n'étaient qu'une des minorités ethniques du pays avec quelques privilèges particuliers, cela me paraît bien évident. Le fonctionnarisme fédéral ou la langue anglaise est, à toutes

(editor's note con't)

Churches sold to be transformed into condos. This should not prove difficult as demand is high for condos in former religious institutions, of which Le Couvent Outremont on Mont-Royal and Place-de-la-Croix in Little Italy are recent examples. The Church reads this phenomenon as further confirmation of Montrealers' insatiable thirst for spiritual revival: indeed, what better way to meet God than to live in a former Flat of His? ■

Patrick  
& Fabien

fins pratiques, la seule langue de travail, en est le plus bel exemple. Danse le passé, le ministère des Affaires extérieures du Canada a créé l'image d'un pays unilingue anglais. Je pourrais en dire presque autant des autres ministères et des compagnies de la Couronne. La capitale fédérale est une capitale anglaise. L'armée canadienne est une armée anglaise dans laquelle les Canadiens français ont à surmonter des handicaps sérieux, surtout du point de vue linguistique. »

« Sur le plan de la langue et de l'éducation, les Canadiens français des autres provinces ne jouissent pas de droits comparables à ceux des Canadiens anglais du Québec. Et cela, même au Nouveau-Brunswick où les Acadiens forment environ les deux cinquièmes de la population. »

« La Radio-télévision d'Etat, malgré les efforts déployés depuis quelques années, n'a pas encore réussi à étendre ses réseaux français d'un bout à l'autre du pays. »

« Dans un grand nombre de cas, des compagnies installées au Québec n'ont pas respecté la langue et la culture de leurs employés, non plus que celles de la population. Pour les promotions et l'embauchage, les Canadiens français ont été et sont encore souvent en position d'infériorité. »

« Il est sans doute vrai que si les Canadiens de langue anglaise avaient mis à apprendre le français un quart de diligences qu'ils ont employée à s'y refuser, il y a belle lurette que le Canada serait effectivement bilingue. »

Trudeau nevertheless believed that in the long run, there were two indestructible ethnic groups in Canada. « Les jeux sont faits au Canada: il y a deux groupes ethniques et linguistiques; chacun est trop fort pour pouvoir écraser l'autre... Si les Anglo-canadiens ne voient pas cela, tant pis pour eux. » Trudeau unlike any other modern Canadian leader could and did criticize both French and English Canadians with incredible insight, in one or two pithy sentences.

« L'histoire nous montre que les Canadiens français n'ont pas vraiment cru à la démocratie pour eux-mêmes, et que les Canadiens anglais ne l'ont vraiment pas voulue pour les autres. »

« Le sentiment de supériorité n'a jamais cessé de caractériser l'attitude des Canadiens de langue anglaise vis-à-vis les Canadiens français. »

Over one hundred years earlier in January 21, 1856, long before he became Prime minister, Sir John A. MacDonald addressed a famous letter to Brown Chamberlain, Editor of the Montreal Gazette, where he said: "The truth is that you British Lower Canadians can never forget that you were once supreme – that Jean-Baptiste was your hewer of wood and drawer of water. You struggle, like the Protestant Irish in Ireland, like the Norman invaders in England, not for equality but for ascendancy – the difference between you and those interesting and amiable people being that you have not the honesty to admit it... Treat them as a nation and they will act as a free people generally do – generously. Call them a faction and they will become factious."

In my view, the Canadian problem is not the constitution, but the absence of excellence and integrity in our society and particularly the absence of compassion.

What is our malaise in Canada/Québec when we are so well off? What really is our complaint? And if there is a problem, is its solution to be found in a few or many constitutional changes? Is not a little compassion and compromise insignificant in comparison to the prospective loss?

Our problem is not that we have two of the world's great languages and cultures. Our problem is that we do not always have the decency and tolerance to take advantage of them.

As Stendahl said: "The tragedy of human life is not that people need or lack luxury, but that they have so little passion, so little generosity, so little seeking for the spirit of grandeur." Henri Beyle Stendhal (1783-1842)

Post scriptum: Fortunately, there are lots of places in Québec and Canada where there is compassion. For example, at the McGill Law Faculty, we do have a dedication towards using and preserving both languages, particularly in the Quid. Bravo. ■



# LAW GAMES AWARDS

by Stephen Panunto (VP-Athletics)

Another Law Games has come and gone. And with it legends have been written, innocence lost and livers damaged. And, of course, U of T reminded us all why everyone hates them. We made it to the playoffs in several sports, and came within seconds of winning ice hockey. A trio of very motivated - and athletic - young ladies managed to capture the scavenger hunt for us. A pair of second years won the mooted competition - the very first time they're ever mooted. And finally, we brought home a mascot; if you're in the LSA office or at Coffee House, say hello to Halifax Santa!!

Hortensia "*Women Can Be Polygamists, Too*" Dammous & Emilie "*100%*" Fay-Carlos: The Polygamy Award for being Canada's most powerful pro-polygamist lobby.

Erin "*Zen*" Easingwood: The Hot Chick Award for never lacking in male attention.

James "*Renoldo*" Newman: The Golden Ball Award for leading in soccer scoring.

Sam "*Wheels*" Atkins: The Good Boyfriend Award for not taking advantage of two newly single girls and a king-size bed.

Jason "*Slapshot*" Crelinsten: the Hockey Award for playing three straight hours of various forms of hockey.

Patrick "*Quizmaster*" Kergin: The Trivial Pursuit Award for knowing what the hell Special Relativity is.

Vanessa "*Don't take things out of Context*" Rochester and Andrea "*Penicillin*" Clevon: The Hardcore Hockey Hotties Award for dedication to sports.

Jocelyn "*I need more room on the dance floor*" Tatebe: The Waky Waky Corn Flaky Award for being a morning person.

Mathieu "*we'll call you Messier but we like Donut better*" Locas: The That's A Great Angle Award for getting all the girls to grope your shaved head.

Mike "*The Wall*" Eldridge: The Lightweight Award for being too hungover to want to play sports by the second day.

Dave "*Kramer*" Perrier: the I Woke Up Just In Time For Law Games Award for the most participation in a school event since he started.

Pascal "*Herbal Life*" Zamprelli: The Escobar Award.

April "*The Keg*" Thomas: The Look What I Can Do With A Beer And A Straw Award for once again showing us what Newfies are made of.

Lynne "*Hockey Mom*" Chlala: the #1 Fan Award for sitting in an icebox for hours to cheer on our hockey team.

Lainey "*Speaker Dancin*" Destin and Lani "*Hawaiian Tropic*" Rabinovitch: The Most Confusing Names Award for having too-similar names.

Carol "*Mean Streak*" Gagne: The Anger Management Award for developing an attitude during Law Games sports.

Gord "*Don't call me Lush*" Cruess: the Captain Morgan Award for round the clock drinking - nothing beats a Caesar at 9:00am!

Nancy "*These are my real teeth*" Caron: The Mother Teresa Award and Co-Captain of the Year for putting up with Stephen.

Neil "*Lobster Lunch*" Horner: The I Just Want To Get Some Sleep Award for sharing a room with two insomniacs.

MC "*Fun Games*" Eldridge: The Gazelle Award for teaching us to prance down the hallways.

Andrea "*Casanova-in-training*" Drew: The Trash-talking Award for asking how many U of T students it takes to get the ball away from him.

Rueben "*Ruby K*" Kobulnik and Mike "*Crease-Crasher*" Hazan: The Aficionado Award for obsessiveness in ball hockey.

Rob "*Iceman*" Notkin: The Halifax Most Wanted Award for rowdy conduct in local drinking establishments.

Charlie "*The Flicker*" Flicker: Early-Riser Award for not being seen before noon.

Joseph "*Anonymous*" Adams: Our Only Repeat Award winner for being the Strong Silent Type.

Bryan "*Cage Boy*" Weissenboeck: The American Bandstand Award for turning the dance floor upside down.

Lisa "*Moral Support*" Kisber: the Trooper Award for trudging over from the Delta every day.

"*Boston*" Mitch Shein: The High Roller Award for most casino action.

Gino "*Suspenders*" Calouri: The Wanderer Award for going to three complexes to find one sport.

Steve "*David Copperfield*" Lowe: The Magician's Award for disappearing after the first hockey game.

Matt "*MVP*" Singerman: The Top Shelf Award for roofing those two slapshots from the point.

Emil "*I finally made it to Law Games in my 4th Year*" Nicolov: The We're Just Friends Award for inviting his "friend" to Law Games.

Poseidon "*Yes, that is my real name*" Retsinas: the Deep Tissue Massage Award for sustaining the gravest injury at this year's Games AND the special Law Games Lifetime Achievement Award for being hardcore for four straight years!

Emilie "*Give me an Em*" Dubreuil: The Team Spirit Award for being our #1 Cheerleader.

Matt "*Whipped*" Aronson: The Sure-It-Was-Your-Girlfriend's-Fault Award for being two days late.

Stephen "*Harry Potter*" Panunto: The Sucker Award for organizing Law Games two years in a row.

Ken "*Ken McKay, Ken-Ken McKay*" McKay: The Deserved Better Award for capturing our awesome hockey team.

David "*Tiger*" Dubrovsky: the Casanova Award. 'Nuff said.

Matthew "*Quarters*" Bilmes, Adam "*Bacteriophobia*" Goodman, and Adam "*Shaq*" Saskin: the *Drinking Games Award* for late-nigh debauchery.

Geoff "*Wildman*" Conrad: the Soccer Is A Contact Sport Award for giving his all in the beautiful game.

Mike "*Broken Razor*" Brazao and John "*Goldilocks*" Ramsay: The Good Sportsmanship Award for coming up with our new cheer: "You Suck, We Rule."

Brigid "*Natural High*" Quinlan: The Yokozuna Award for kicking fat ass at sumo wrestling.

Sophie "*S.N.A.I.L.*" Beecher: The I Should Have Done This Before I Graduated Award for being better late than never. ■



The 2004 McGill Law Games Delegation would like to  
say:

**THANKS! MERCI!**  
**For making Law Games 2004 possible**

To our great hosts in Halifax:  
**Dalhousie University**

To our Principle Sponsors:



**BORDEN  
LADNER  
GERVAIS**

And to our other sponsors:

**STIKEMAN ELLIOTT and MAIDOR JEWELLERS**



# FÉLICITATIONS! CONGRATULATIONS!

Hortensia Dammous & Emilie Fay-Carlos

Gagnantes du Concours de Plaidoirie des Jeux'ridiques  
For Winning the Law Games Moot Competition

Et pour le retour du Trophée Académique à McGill encore un fois cette année!  
And returning the Academic Trophy to McGill once again this year!

## A Mea Culpa

by Stephen Panunto, VP Athletics

Unfortunately, Law Games will be marred financially this year because of an unfortunately incident that will have repercussions upon all student-run activities. It is with a sense of deep regret that I must inform fellow students that \$600 in cash that was earmarked for late registration fees disappeared from my luggage on the way to Halifax. This registration fee had to be paid in cash because of several late additions and the unavailability of a new cheque before we left for Halifax.

This cash was my responsibility and while I believe it was stolen out of my luggage, I have no way of proving it (and the airline has not been very helpful in trying to locate it). At this point, the manner in which it disappeared is less important than the fact it is gone, and Law Games will, as a result, incur a deficit of about \$600 (hopefully slightly less, but the numbers have not been finalized). I take responsibility for this unfortunate incident, and I feel that it is necessary to be forthcoming with all the members of the Law Students Association, not just the executive or even Council. This is because this deficit will be borne by the LSA as a whole, and may mean that some deserving student-run events may receive less funding as a result.

If anyone has any questions or concerns about why or how this money was in my possession or how it disappeared, please feel free to contact me directly (just check your bottin or agenda, or come by the LSA office). All I can say is that I am very sorry and I hope everyone understands. ■

The McGill Entertainment Law Students Association presents...

## MELSA MOOD

A discussion on the impact of the Internet on the music business, past, present and future. We have an amazing list of participants including:

*Graham Henderson*

VP Business Affairs/E-commerce, Universal Music

*Serge Sasseville*

VP Strategy, Legal and Corporate Affairs & Corporate Secretary, Cable TV and Internet Portals, Quebecor Media Inc.

*France Lafleur*

VP Licensing & General Manager, Quebec/Atlantic Canada Division of SOCAN

*Dr. Sunny Handa*

Professor of Communications Law at McGill University

*Jeff Waye*

Owner/Label Manager: Ninja Tune/Big Dada/TaDa Records

*Frank Marino*

Musician (Mahogany Rush)

Each speaker will present a different perspective on the issue and then members of the audience will be invited to share their views. Musicians, lawyers, and members of the press will all be present. Don't miss this chance to contemplate the future of the industry with the very people who shape it.

The event is sponsored by the Law Students Association, Fraser Milner Casgrain LLP and Blake, Cassels and Graydon. In addition to the panelists, there will be drinks, food and music.

It will be held **Wednesday, January 21<sup>st</sup>** in the Thomson House Ballroom at 7:30 pm. The panel discussion will begin at 8:00.



# Obiter dicta: The Paper Chase, or, Mad About Kns

by Jason MacLean (Law I)

The law school film festival kicked off last week with a most timely screening of that venerable cult classic "The Paper Chase." For those who have yet to see this 1973 filmic account of the travails of the first year of (Harvard) law school, don't worry, I won't give away the heretical ending.

The first thing you need to know is that the paper being chased is of the graded quality, the at once coveted and dreaded transcript. Throughout the film we witness the curious quest of one James Hart, a law school anti-hero inexplicably obsessed and arguably in love with his curmudgeonly contracts professor Kingsfield. Not only does Hart actually read the assigned materials before class and then, once in class, raise his hand, he also finds time to read his professor's pronouncements on the law. And, as if that weren't enough, in order to attain a deeper understanding of the law, he beds the professor's daughter on the side.

(Incidentally, there is early in the film a pithy explanation of the doctrine of consideration. One member of the audience even stooped to taking notes. Okay that was me.)

Hart is not chasing grades, however. Rather, he seems to be after, first, the recognition and respect of his professor, which proves to be somewhat elusive, and, more elusive still, a method of rational organization. Hart is rather busy, but it is hard at times to sympathize with his plight because, for all we see, contracts is the only class he ever attends. He is a little mad, this Hart.

Stranger still are the members of Hart's study group. The group is led by Hart's dorm-mate, the fifth generation Harvard and bow-tied Ford, whom everyone seems to loathe except for Hart, who likes and looks after everyone because he is just so good. There is also Kevin, who is equipped with a useless photographic memory and marked from the beginning for a nervous breakdown, the ultimately Falstaffian Liberty Bell, who prepares a property summary amassing 800 pages which he intends to publish but refuses to share, the Robot Pimp, a living, breathing incarnation of Homo Economicus, and a fel-

low of no consequence whatsoever named (I think) O'Connor. They meet twice a week and discuss things about contracts (what else?) that I still do not understand. The lesson here is that study groups are as likely to crash as computers, so watch out come April.

Watching the film, one naturally compares the characters to the members of our class, but no real matches emerge, which is both a shame—every year should have its own Liberty Bell—and something to be thankful for: Kevins are no joking matter, and instrumental Robot Pimps, despite the inspired label, grow tiresome.

One is struck, moreover, by the difference between these grade-obsessed Harvards and most of us, who are, as one particularly astute outsider remarked, unusually extra-curricular. The credit for this is due to the faculty and in particular to the holistic admissions process, which manages to successfully weed out the "Bells" and "Pimps" of the applicant pool. For this too we must give thanks.

That said, and here I must digress, no process is perfect. This sad fact was brought home to me the other day, unwittingly, by a couple of "upper-years" who, in their inimitable world-weary way, slumped down in a sofa and discoursed blithely about, of all things, the Quid (but the subject could have been anything regarding the faculty, or life, I suspect). One world-weary-know-it-all asked another been-there-done-that-veteran-of-the-trenches if there was anything good in the new Quid. Is there ever, the sage upper-year Atlas replied with a shrug. Come on guys, I said, what kind of attitude is that? The Quid is a damn good paper. Let's see some school spirit. Yeah, yeah, right, great, was the all-knowing, cynical, and affected response as they no doubt wrote me off as yet another little first year who has yet to learn what they have struggled so mightily to grasp. I hope I never do. So, to this year's admissions committee, a humble, respectful request: while doing the

great work that you do, remain ever more vigilantly on guard for these otherwise unremarkable "O'Connors."

"The Paper Chase" is of course the natural way to begin a law school film festival (films will be screened each Wednesday at 12:30, give or take, so stay tuned) and hearty thanks are due to festival organizer. It was, moreover, a timely choice as our own first semester grades were released just a couple of days following the film, for the film poignantly puts the paper chase in its place. Hart might be a little mad, and at times a little too good, but we like him, we root for him, he is human. He wants to do well, but above all he wants to learn, and learn he does.

There is too an excellent foundational lesson. After Hart breaks into the law library (again) in order to read the notes professor Kingsfield took on contracts when he was a student, Hart has an epiphany, and the insight is also ours: we are part of the unbroken chain of knowledge. Where, Kingsfield ruminates in his notes, would these judges be without me? Where would they be, who would remember them, were it not for law students to carry their ideas around in our heads? Nowhere, because law lives with us or it does not live at all.

Now, without giving away the ending of the film, I'll conclude by suggesting, à la Max Fisher, the founding of yet another law faculty club. Call it the Faculty Flyers. The club's first mission is to assemble, out of the sheet of paper listing our grades, the best paper airplane we can, whereupon we'll launch it from the summit of Mont Royal to the popping accompaniment of the cheapest champagne grades can buy. ■

## The Weekly Haiku by Akbar Hussain

The 144

Closed eyelids glow red  
as entry level superheroes brush  
shoulders on public transport.



# Right is Mike:

## As Dean of McGill Law School Contest

by Michael Hazan (Law II)

**R**ight before the onslaught of December exams, the Magna for Canada Scholarship Fund announced the annual winners of their *As Prime Minister* contest. The contest gives Canadians enrolled in university a chance to express themselves in 2,500 words or less about how, as Prime Minister, they would enhance Canada. Remarkably our faculty placed two of the ten finalists (Noah Billick (Law/MBA II) and Reynolds Mastin (Law III)) among the hundreds of entrants. For his efforts, Mastin was named co-winner of the contest along with Maria Banda of the University of Toronto. This is truly an extraordinary accomplishment and he should be applauded for his efforts.

In case you didn't know, Mastin is House Speaker for the Law Students Association's council meetings held every two weeks in Thomson House. Thus far, as meeting moderator Mastin has dealt with some contentious debates and admirably handles each meet-

ing's business while ensuring each LSA member has their chance to speak. Many of you may not know what actually happens at these meetings and what is actually decided by your student representatives, but I'll leave that rant for another column. In case you were wondering, several initiatives are underway including a study on the viability of using laptops for final exams, saving our beloved Pino and Matteo's cafeteria and also whether law students can use their non-law credits to take language courses at McGill. The LSA Exec, Faculty Councilors and other student representatives are working hard on achieving these goals.

Reading some of the *As Prime Minister* essays has inspired me to launch an "*As Dean of McGill Law School...*" contest at the faculty. This contest would enable law students to express ideas that could improve the Faculty that would otherwise go unheard. The *As Dean* contest would also help your student

and faculty leaders identify issues that concern students and possible ways to rectify these problems. Lastly, the contest is meant to be a constructive exercise, not a forum for individuals to settle vendettas. Thus, the editors expect that the proposals submitted will be in a good taste. The contest rules are as follows: Essays should be maximum 750 words and submitted to the Quid at [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca) no later than January 29. All essays received by 5pm will be published in the Quid on February 3.

While my contest cannot compare with the \$345,000 Magna doles out every year for the *As Prime Minister* contest, a \$100 gift certificate at the Gap will be awarded to the Law student that writes the best *As Dean* essay. Judges will include one Faculty member, a member of the LSA executive and one McGill Alumnus. The winner will be announced at Coffee Haus on February 12th. Good Luck to all! ■

## "My Best Friend is Black"

by Leila Jawando (Year I)

**O**k. I've been living in Montreal for a few months. I've been doing my thing- exploring "the Main", going for 99 cent pizza at 3 am, the whole bit. However, I'd been feeling that something was lacking. Luckily, I found out what it was. I can now say that I have really lived the North American Black experience- this time as a passive bilingual. No, I did not go for roti down in Cote des Neiges. Nor did I head down to Groove Society on a Saturday night (though I've heard it's a smashing good time). I was profiled in a drugstore.

So there I was. It was a Tuesday night. Tired of studying for constitutional, I decided to take a break and go birthday card shopping. I went to a flamboyantly lit drugstore (sounds like Larmaprix) located on St Laurent just north of Des Pins. It was a glorious evening, felt like -25. I think I felt my nose fall off on

the way there- though I'm told it was surprisingly warm for a December evening in Montreal. But I digress.

I walked into the store and headed straight to the card section. The French section might I add. Suddenly I got this strange sense that someone was looking at me. I looked over, and the two security guards were standing at the end of my aisle. I wasn't surprised- I was looking kind of cute that day. So I paid them no mind, until I strutted a couple of aisles over. I looked behind me, and sure enough, both security guards had also moved and were, once again, at the end of my aisle.

By this time, I realised what was going on. I must have had a really annoyed look on my face, because within a few seconds, one of them stomped over exclaiming that he "n'était pas en train de me surveiller" and that I was "le bienvenue." I wonder how he even saw

the look on my face if he hadn't been watching me so closely, especially since at this point there were (I counted) at least 8 other people in the store. But, once again, I digress.

The security guard seemed to be expecting some trouble from me (since I am of such intimidating stature) but all I said was 'fine, thanks' and walked away. I think he was disappointed in me for that; I had denied him the opportunity to prove his legitimacy by enumerating his many many Black friends.

I ended up leaving the card on a shelf somewhere, and ultimately, leaving the store empty-handed. Needless to say, I was fairly annoyed: a) because of what had happened, and b) because I had just spent a great deal of time finding the perfect card, and I had nothing to show for it. But what can you do right? Those are the breaks. I guess I'm just going to have to go steal one from somewhere else. ■



# Fake News Story Published to Make Joke, Point

by Howie Kislwicz (Law II)

*NOTE: This is a fake news story. Any similarity between names and characters used in this article and real people is purely intentional.*

In an interesting turn of events, area law student Renée Darisse recently published an apology for damage caused by her article in last month's Quid. The noxious news item described a non-existent amendment to McGill's Student Code of Conduct that would make it an academic offence to speak during class.

Noted apiary inspector and newspaper-reader Hugo Smartopholis commented, "I hope she doesn't actually believe that stuff. I mean, it obviously didn't happen. Maybe she was kidding. If she wasn't, she should really check her journalistic integrity. Or apply to the New York Times"

Princess Jessica Braun, famed Faculty of Law personality, had a different tale to tell. "I can't believe she just blatantly ripped off [Mike] Brazao like that. That guy is a total comic genius, even though he doesn't even draw comics. He is on fy-ah (sic)."

When questioned, an inebriated Brazao had only this to add, "Hey, it's a reasonably free country. She can rip off *The Onion* just like me. Hey, you know what's awesome? Funions. Those things rule." ■

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# The Best Nite of the Year

by Allen Mendelsohn (Alumnus III)

It's been a while since I wrote in the Quid - all the way back to when I was just an Alumnus II. But Ken McKay's call for action in last week's Quid got me worried, and has spurred me to take time out from the drudgery of daily life in a large law firm in a large office building somewhere and once again put pen to paper (or rather, fingers to keyboard).

Skit Nite (or Night, a debate on par with the Coffee House vs. Coffee Haus debate), really is the best law school nite of the year. Oh sure, you could make an argument for the night your intramural team wins a mug, or the night you finally kissed that cute guy who sits in the back of your PIL class. But those were surprises. Skit Nite you know is coming. Whether it's March 11 or 18, you know it's coming. And it kills (in the good, slang version of that term).

I could go on about *why* it's the best nite of the year, but frankly that's not important now. Ken McKay outlined those reasons for you quite nicely. And trust me, it is. What I want to impress upon you is the tradition of the whole thing.

Sit back kids, while I tell you a story. Back when I was first year, some insane upper year student came running into one of our classes, screaming about Skit Nite and how we should all get involved, yada yada. We all looked at each other like she was nuts (which she was, but she became a good friend of mine so I can say that) and wondered what the fuss was about. But as that Thursday in March got closer and closer, you could feel the excitement building. The week before, it's all anyone talked about. And then I got on stage. What a rush, and what a show. What a party after, and what a nite.

I admit that it took me that first one to understand why Skit Nite was the best nite of the year. So I'm here to tell you it is. If you want real proof of the tradition, all you have to do is ask a professor (or even a Dean) to be in a skit. They will say yes. Every year at least ten profs are in skits. You couldn't even have a Skit Nite without Profs Lametti and Sklar.

But Skit Nite doesn't just happen. It needs YOU (yes, I'm talking to YOU). You may write off this plea as the ramblings of an old man (you'd be right), but Skit Nite really does need you. I, and all the other alumni who will be there, and all the students who will be there, and all the faculty and staff who will be there, need you. Most importantly, five charities who do amazing work need you. So email [kenmckay@videotron.ca](mailto:kenmckay@videotron.ca). He *really* needs you. I promise you won't regret being part of the team that puts together the best nite of the year. ■



# Where is the Catholic Church Going?

## A Guide to Losing Faith in Holy Institutions

by Karine Peloffy (Law II)

Any kind of criticism of the Church starts with the Crusades: the absolute classic boo-boo of Christianity. One cannot wonder where our friend Osama got his inspiration for his treatment of « infidels »; we designed the concept. This deplorable human drama also aspired to be the precursor to the famous show « Who wants to be a millionaire » except that instead of answering questions, you plunder and massacre everybody that has a different answer.

Second criticism of historical importance: it took 50 years for our Roman Church to recognize its unforgivable failure to stop, slow, denounce or at least mention the Holocaust.

On the local scene, after the so-called conquest, the Catholic Church happily enforced an understanding with the authorities to keep French-Canadians in the fields and making babies to ensure that they wouldn't disturb the administration of this glorious

British Colony. Influencing votes in the 1940's with such catchphrases as « *Heaven is blue (wink-wink) and Hell is red (grrr)* » wasn't enough, we had to lock up aboriginal children in residential schools and mentally stable pupils of the state in religiously-run psychiatric institutions.

Enough with the historical introduction and now switching to a comparative review. One can become a happy Catholic in only 2 weekends in a Church basement where he will learn the checklist of Jesus' great accomplishments. At least the Jews give a decent and long formation before they certify their applicants. What kind of faith do we encourage when you can get in a box of Cracker Jack? Considering priesthood, allowing priests to get married might be a good thing since they would actually know what they're talking about when giving pre-marital classes as Rabbis and Anglican leaders do. Even more progressive, I heard some congrega-

tions even allow women, these abominable inferior creatures to be religious leaders! Ever heard of equality of sexes? It's a hot topic right now...

Now what really bothers me is the Church's policy concerning AIDS. As if it wasn't bad enough to officially condemn the use of condoms in South Africa (O.K. sexual intercourse outside the sacred institution of marriage is bad, but are you going to let people die for that?) now the Montreal Seminary responsible for the selection of priests will run an AIDS test for all future applicants. In interview explaining the controversial policy, Mgr Turcotte was only able to display that every time he opened his mouth it was to insert a bigger foot in it. The main justification seemed to turn on this: 'AIDS tests are not to identify homosexuals...but homosexuals have a greater difficulty to stick to chastity vows' Ouch. Somebody never learned about what constitutes a valuable argument. He was basically trying to spell d-i-s-c-r-i-m-i-n-a-t-i-o-n. If the Church wants to test something, how about child molesters? That's definitely a social group we want out of the Order.

It makes me wonder if the Church forgot what it is supposed to speak for. If the churches are empty, it might not be because we're all fans of American Pop culture but maybe because their message is out of sync with what our religion should really mean. Was Jesus walking on water or on AIDS victims' head? What about that story with Mary-Magdalena and throwing the first stone? See, I think Christ would have a pretty decent cause of action for negligent misrepresentation here. When Gandhi, the most prominent Hindu of all, said that he would be Christian had Christianity really been about the Christ, it sounds like an indication that we took a wrong turn somewhere.

They say that one cannot believe in Buddhism, he can only practice it. Lesson #1 for the Catholic Church: practice.

N.B. Any factual research necessary to support this outraged opinion that implied efforts beyond the i-think-i-read-it-somewhere is absolutely non-existent. ■

THURSDAY, JANUARY 22 at 3PM

3661 Peel Street, Room 106

Alain Tellier

Deputy Director of Crime  
Department of Foreign Affairs and Trade –  
International Crime and Terrorism Division

Mr. Tellier will give a talk entitled

Canadian Foreign Affairs: Drug and  
Transnational Crime

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# L'entrée sur le marché du travail: Discontinuité?

par Paul Plamondon (Alumnus II, pour Stikeman Elliott)

**J**e suis un finissant 2001 de la faculté de droit de McGill et je pratique le litige commercial au sein de l'étude Stikeman Elliott à Montréal. Eh oui, j'ai survécu à la course au stage et au Barreau du Québec, et je suis maintenant avocat. Ce qui suit est un message d'espoir pour tous ceux qui s'apprêtent à faire la course au stage et à intégrer le marché du travail.

Lorsque j'étais étudiant à la faculté, j'en ai profité pour m'amuser et pour essayer toutes sortes d'activités. Aujourd'hui je suis fier de pouvoir dire que j'ai fait Skit Nite dans le rôle des Bay Street Boys (version juridique des Backstreet boys) et de Super Mario Student (avec une participation toute spéciale des Professeurs Foster, Prémont et Klinck) et que j'ai crié Mc McGill, Mc Mc McGill à chacune des éditions des law games. Je suis aussi très content d'avoir pu faire des cours et des *essays* dans des sujets qui m'intéressaient et avec des professeurs plus que coopératifs. Bref, je garde un excellent souvenir de la faculté.

Je me souviens qu'à l'époque je considérais l'entrée sur le marché du travail comme la fin de la récréation. Cette image était entre autres alimentée par l'aspect formel et très structuré du processus de recrutement : les entrevues, les *suits*, les cocktails. Il y a aussi

ce qu'on voit des milieux professionnels à la télévision par exemple. Bref, je m'attendais à un contexte formel et peu amusant, la vie sérieuse quoi. Dans mon cas spécifique, mes appréhensions étaient d'autant plus grandes que je débute mon stage chez Stikeman Elliott sans jamais y avoir travaillé auparavant.

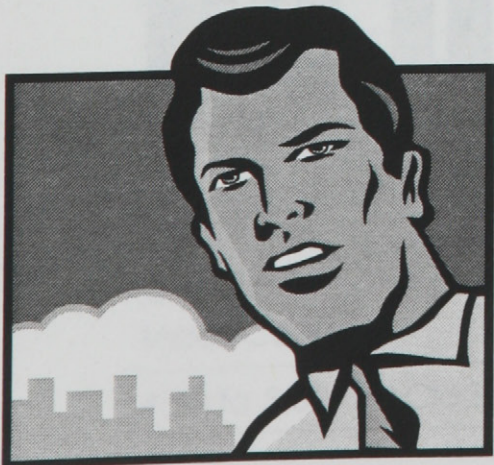
Eh bien dans les faits, ce n'est pas si différent de la vie universitaire. Et je ne crois pas que l'on change tellement une fois devenu un « professionnel ». Une fois mon stage commencé, je me suis rapidement fait un excellent groupe d'amis et mes rapports avec mes collègues de travail sont loin d'être formels. En fait, je constate que l'authenticité avec ses collègues de travail est encore et toujours la meilleure approche. Dans le cadre du party de Noël, j'ai participé à des numéros où nous avons composé des chansons et tourné des vidéos. Dans tous les cas, on s'est bien bidonné. Finalement, au niveau de l'apprentissage, j'ai le privilège de travailler sur des dossiers provenant de pays et de domaines variés, ce qui me permet d'apprendre sur le plan juridique ainsi que d'élargir mon bagage de

*Une carrière???*

connaissance générale.

Bref, je voulais vous dire rapidement qu'il n'y a rien à craindre de la pratique du droit et que les défis et l'apprentissage n'arrêtent pas le jour de votre graduation. Au contraire. Bonne chance à tous dans vos démarches pour l'obtention d'un stage ou de d'autres avenues professionnelles. ■

- Cet article a été sponsorisé par Stikeman Elliott -



<http://www.law.mcgill.ca/quid>



# Greetings

## From Your Friendly Neighbourhood Faculty Councillors

**H**ey there folks, it's good to be back, eh? We didn't think it was too late to say "Happy New Year," and we certainly hope it holds the best for all of you (especially in the next four months).

We're coming off a successful term on Council, in which we marked some noteworthy results. Highlights include opening a dialogue with Principal Munroe-Blum and affirming with her office the importance of good communication with the student body on policy initiatives, initiating steps to investigate the pros and cons of the optional use of computers in exams, voting to increase academic credit for several positions on the McGill Law Journal, and eliminating restrictions on courses that can be taken outside the faculty for credit. Given approval by Senate, this last change will be implemented in September of 2004. Students presently enrolled in law will be able to choose between the regime that is currently in place - which permits the pursuit of twelve (12) credits outside the faculty according to certain prohibitions on some types of courses - or the new one to be applied, which will allow students to take a maximum of six (6) credits

without restriction on the faculty in which those credits are pursued.

Nous espérons que ce semestre soit tout aussi productif, et nous voulons vous représenter adéquatement auprès du Conseil. Pour y arriver, nous tiendrons des heures de bureau à l'AED (LSA) les jeudis de midi à une heure. Si vous avez besoin d'information, si vous avez des inquiétudes particulières que vous voulez voir soulevées au Conseil ou auprès d'un autre sous-comité, ou si vous avez une idée dont vous voulez discuter ou que vous désirez faire avancer, n'hésitez pas à venir nous voir. Si notre horaire ne vous convient pas, surtout sentez-vous libre de nous envoyer un courriel ou venez nous parler en personne.

Yours sincerely,

Sylvia Boss - [sylvia.boss@mail.mcgill.ca](mailto:sylvia.boss@mail.mcgill.ca)

Gord Cruess - [daniel.cruess@mail.mcgill.ca](mailto:daniel.cruess@mail.mcgill.ca)

David Dubrovsky - [david.dubrovsky@mail.mcgill.ca](mailto:david.dubrovsky@mail.mcgill.ca)

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**PERSPECTIVES ON LATIN AMERICAN JUDICIAL REFORM**  
**Strengthening Human Rights Protections: National Experiences,**  
**the Inter-American Contribution, and Canada's Role**



## Programme

### THURSDAY, 22 JANUARY 2004

|                      |  |
|----------------------|--|
| 1:00                 | Registration   |
| 2:30                 | <b>Opening Ceremony</b>  |
| McGill<br>Moot Court | <ul style="list-style-type: none"> <li>▪ Dean Nicholas KASIRER, McGill University, Faculty of Law</li> <li>▪ Prof. François CREPEAU, Faculté de droit de l'Université de Montréal</li> <li>▪ Viviana ITURRIAGA ESPINOZA, President, LALSA</li> </ul>   |
| <b>PANEL I</b>       | <b>Approaches to Judicial Reform: Goals &amp; Lessons Learned</b>  |
| 2:45 to 5:00         | <p>Moderator: Prof. Patrick HEALY, McGill Faculty of Law</p> <ul style="list-style-type: none"> <li>▪ Mr. Pierre Gilles BELANGER, Department of Justice, Canada</li> <li>▪ Prof. Douglass CASSEL, Northwestern University School of Law and President of the Board of the Justice Studies Centre for the Americas</li> <li>▪ Prof. Alejandro GARRO, Columbia Law School</li> <li>▪ Representative, The World Bank</li> <li>▪ Dr. Luis RAMIREZ GARCIA, Institute for Comparative Studies and Criminal Law in Guatemala (ICCPG)</li> </ul> |
| McGill<br>Moot Court |  |

### FRIDAY, 23 JANUARY 2004

|                      |   |
|----------------------|---|
| 7:00                 | Registration  |
| <b>PANEL II</b>      | <b>Judicial Application of Constitutional Guarantees and International Human Rights Norms: National Experiences</b>   |
| 8:30 to 10:30        | <p>Moderator: Mr. Pablo ROMERO, General Consul of Chile in Montreal</p> <ul style="list-style-type: none"> <li>▪ Argentina: Dr. Victor ABRAMOVICH, Executive Director, Centro de Estudios Legales y Sociales (CELS)</li> <li>▪ Colombia: Luz Marina MONZON, Comisión Colombiana de Juristas</li> <li>▪ Guatemala: Justice Carlos Esteban LARIOS OCHAITA, President, Supreme Court of Guatemala</li> <li>▪ Mexico: Prof. Sergio GARCIA RAMIREZ, UNAM and Judge at The Inter.-American Court of Human Rights</li> </ul> |
| McGill<br>Moot Court |   |
| 10:30 to 10:45       | Health Break – Atrium   |
| <b>PANEL III</b>     | <b>The Inter-American Human Rights System : Contribution to Domestic Judicial Reform</b>  |
| 10:45 to 12:45       | <p>Moderator: Prof. Nanette NEUWAHL, Faculté de droit de l'Université de Montréal</p> <ul style="list-style-type: none"> <li>▪ Mr. James CAVALLARO, Harvard Human Rights Programme, Justiça Global</li> <li>▪ Mr. Bernard DUHAIME, The Inter-American Commission on Human Rights</li> <li>▪ Mr. Pablo SAAVEDRA, Secretary, The Inter-American Court of Human Rights</li> <li>▪ Prof. Magdalena SEPULVEDA, United Nations University for Peace</li> </ul>  |
| McGill<br>Moot Court |   |
| 12:45 to 2:30        | Lunch – Thomson House (Included in registration fee, otherwise, \$10.00)  |
| <b>PANEL IV</b>      | <b>Canadian Adherence to the American Convention on Human Rights and its Future Role within the Inter-American Human Rights System</b>  |
| 2:30 to 4:30         | <p>Moderator: TBC</p> <ul style="list-style-type: none"> <li>▪ Prof. Lucie LAMARCHE, Université du Québec à Montréal and Director of CEDIM</li> <li>▪ Ms. Geneviève LESSARD, Rights &amp; Democracy</li> <li>▪ Ms. Catherine VEZINA, Canadian Mission to the Organization of American States</li> </ul>   |
| McGill<br>Moot Court |   |
| 4:30 to 5:30         | Closing Reception – Atrium  |



## Perspectives on Latin American Judicial Reform

### Strengthening Human Rights Protections: National Experiences, the Inter-American Contribution, and Canada's Role

Thursday and Friday, 22 and 23 January 2004  
McGill University, Faculty of Law

The purpose of this symposium is to engage experts in a discussion which places different strategies and approaches to judicial reform within the context of specific country experiences in order to assess, in particular, the effect such reforms have had or may have on improving compliance with human rights norms.

Efforts to reform Latin America's judiciaries have been undertaken in almost every country, sometimes through the adoption of piece-meal or targeted reforms or as has been the case more recently, through the implementation of integrated reform packages. Reform efforts have been largely aimed at improving the quality and efficiency of and access to the justice sector by, for example, reducing judicial poverty; modernizing administrative practices: providing training to judges, lawyers, and administrative staff; creating supervisory institutions to monitor judicial performance and ethics; cultivating independence; and adopting more transparent and merit-based appointment procedures. The impetus for the introduction of these types of measures and the significant interest by donors in investing in such projects has stemmed from a perceived weakness if not crisis within the region's judiciaries which has had serious consequences for democratic stability, the protection of human rights, as well as for economic growth and private sector activity.

Holding such a symposium provides an ideal setting in which to consider the priorities of reform and the factors that both favour and hinder this process. The symposium will emphasize, as indicated by its title and programme, the role that judicial reform can play in strengthening human rights protections. There is indeed a continuing gap between legal reforms which have given way to the adoption of important constitutional and treaty guarantees in the area of human rights, and the implementation or application of those guarantees by national judiciaries. Of particular concern is access to justice and the quality of judgments rendered especially in cases involving poor and marginalised populations, such as women and indigenous groups, as well as more generally, the enforcement of procedural and evidentiary guarantees.

In this regard the contribution of the supervisory organs of the inter-American human rights system, the Inter-American Commission and Court, to the process of consolidating human rights protections within national jurisdictions will be considered, as well as the role played by non-governmental organizations which represent claimants before the inter-American system. This System, albeit considerably strengthened over the last decades, requires the increased participation, support and political backing of States for its decisions and recommendations to be respected and executed in every case. It is for this reason that the last panel of the symposium is dedicated to the question of Canada's eventual adherence to the *American Convention on Human Rights* and its increased participation within the inter-American system.

This symposium will be a joint collaboration of the *Revue québécoise de droit international* (RQDI), McGill University's Latin American Law Student Association (LALSA), and the law faculties of the University of Montréal and McGill University, where it will be held on January 22 and 23, 2004. Participants and panel chairs will be composed of experts on judicial reform, officials from the Inter-American Commission and Court of Human Rights, academics from the three Montreal law faculties, representatives of the Canadian government, and members of non-governmental organizations with special expertise and experience relating to the inter-American system. It is also expected that students from all three Montreal law faculties with an interest in human rights, justice reform, comparative and constitutional law, Latin America, and Canadian-Latin American relations will learn from and contribute to discussion.





**PERSPECTIVES ON LATIN AMERICAN JUDICIAL REFORM**  
**Strengthening Human Rights Protections: National Experiences,**  
**the Inter-American Contribution, and Canada's Role**  
 22 and 23 January 2004



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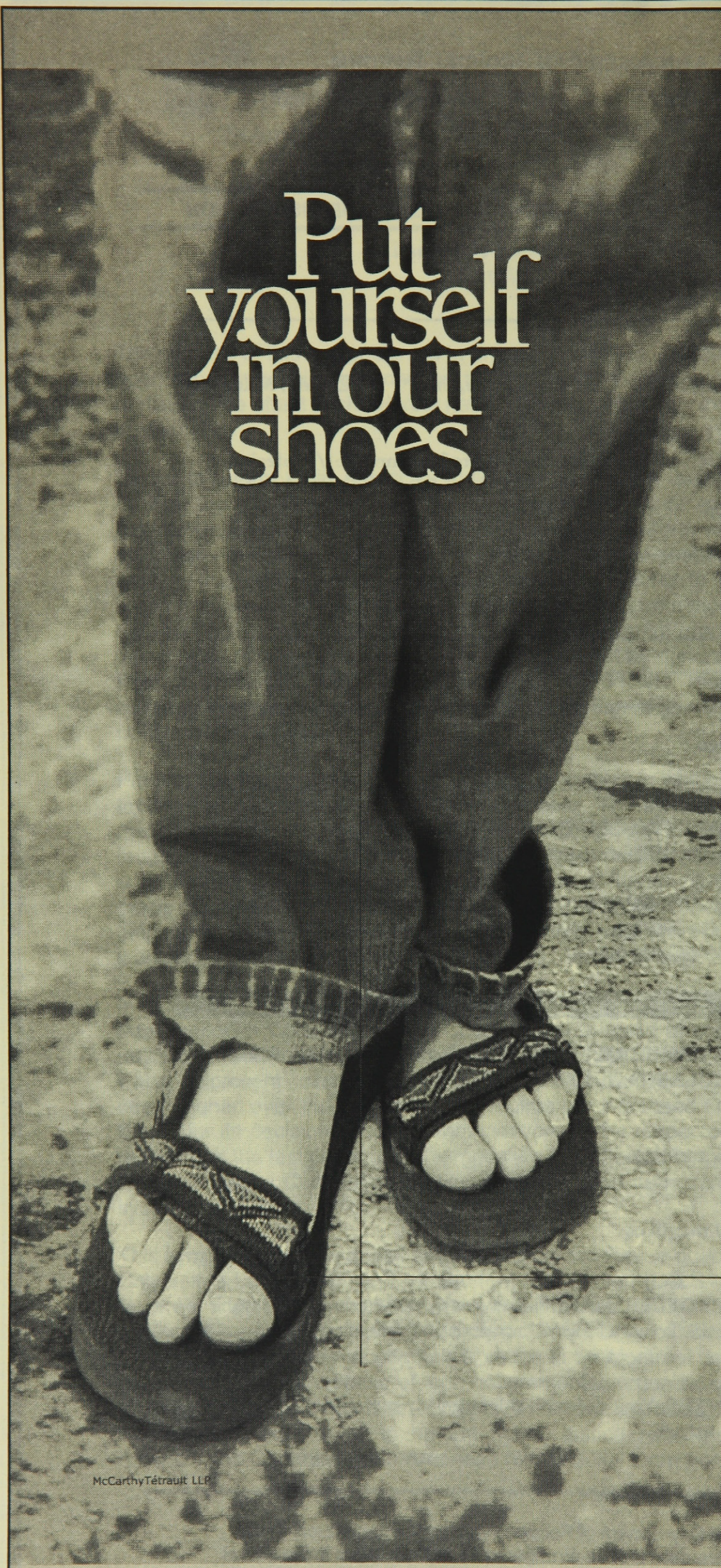
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